

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

RUBIN RURIE WEEKS,)	
)	
Petitioner,)	
)	
v.)	No. 1:17-CV-225-ACL
)	
JASON LEWIS, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of petitioner Rubin Rurie Weeks for a hearing and for the appointment of counsel. (Docket No. 5). The motion will be denied without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including whether the petitioner has presented non-frivolous allegations supporting his prayer for relief, whether the petitioner will substantially benefit from the appointment of counsel, whether the petitioner's claims involve information readily available to him, and whether the factual and legal issues presented by the action are complex. *See Phillips v. Jasper County Jail*, 437 F.3d 791, 94 (8th Cir. 2006), *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986), *Nelson*, 728 F.2d at 1005.

Having reviewed petitioner's motion and considered all of the foregoing factors, the Court concludes that the appointment of counsel is not warranted at this time. However, the Court recognizes that the relevant circumstances may change as the case progresses. The Court will therefore deny the motion for the appointment of counsel, without prejudice. If appropriate

at a later time, petitioner may file a motion for appointment of counsel that addresses the foregoing factors.

Petitioner has also moved for an evidentiary hearing. Under Rule 8 of the Rules Governing § 2254 Cases, the Court “must review the answer, any transcripts and records of the state-court proceedings, and any materials submitted under Rule 7 to determine whether an evidentiary hearing is warranted.” Because not all of this information is presently before the Court, petitioner’s request is premature, and will be denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that petitioner Rubin Rurie Weeks’s motion for evidentiary hearing and motion for appointment of counsel (Docket No. 5) are **DENIED** without prejudice.

/s/ Abbie Crites-Leoni

ABBIE CRITES-LEONI

UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of February, 2018.